

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	
)	CRIMINAL NO. 04-30055-MAP
)	
KACEY JONES,)	
Defendant)	

**GOVERNMENT'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO
SUPPRESS EVIDENCE**

STATEMENT OF ISSUES

On March 22, 2004, at 6:40 a.m., a woman called the Springfield Police Department to report a man with a firearm who was dealing drugs from 49 School Street. The woman further stated that this armed individual presented an immediate danger to her friend William Cubi ("Cubi"), the lawful tenant of 49 School Street. Four Springfield Police officers responded to this call for assistance. Cubi opened the back door for the police after they knocked. He welcomed them into the apartment and pointed toward the front of the apartment. While conducting a protective sweep of the apartment the police observed the Defendant through a partially-opened bathroom door. The Defendant was holding a large knife. The police entered the bathroom and recovered a firearm and numerous bags of crack cocaine in plain view within the Defendant's reach. The police also recovered \$490.00 from the Defendant's pocket incident to

his arrest.

The issues before this Court are whether the officers' warrantless entry and protect sweep of the apartment were justified by either voluntary consent or exigent circumstances.

STATEMENT OF FACTS

On March 22, 2004, at 6:40 a.m., a woman called the Springfield Police Department to report that a man with a gun posed an immediate danger to her friend William Cubi inside of Cubi's apartment at 49 School Street in Springfield.¹ The caller stated that the suspect had recently struck Cubi, and that the suspect was dealing drugs from Cubi's apartment. The caller provided a detailed description of the suspect to the police operator.

The caller repeatedly said she was frightened, and after she identified herself to the police operator, she asked that her name not be used by the police. She also advised the operator to caution the responding officers to be careful because the suspect with the firearm was looking out the window. The caller also indicated that the armed suspect may have an accomplice who was looking out for the police.

The police operator categorized this call as needing "immediate assistance" and he dispatched four officers to 49

¹A transcript of this call is attached as Government Exhibit #1. This transcript will be offered into evidence during the hearing on the Defendant's motion.

School Street. While Officers Michael Sedergren and Edward Ganley responded to the apartment's rear door, Officers Michael Trombley and Sean Collins approached the front door. William Cubi opened the back door for Sedergren and Ganley, after they knocked and announced "Springfield Police." Cubi identified himself, stated "come on in," and immediately pointed, unprompted, toward the front of the apartment. While Officer Ganley remained with Cubi, Officer Sedergren quickly proceeded to the front of the apartment to open the front door for Trombley and Collins.

The front door opened to a large common room. Within seconds of their entry into the front of the apartment, the officers observed an unidentified male² standing in the common room. Since this individual did not fit the caller's description of the suspect with the firearm, the officers frisked him for weapons and then ordered him to sit on a couch. Officer Collins remained with this individual while Sedergren and Trombley began a protective sweep of the apartment.

As Trombley walked down a hallway, he noticed that the bathroom door was partially open. Trombley peered inside the bathroom and observed the Defendant sitting on the toilet. The Defendant was holding a large knife in his hand. Trombley

²Although this individual identified himself to the officers, the officers did not record his name.

immediately realized that the Defendant matched the caller's description of the armed suspect. Trombley entered the bathroom and ordered the Defendant to drop the knife. The Defendant dropped the knife, then reached forward toward a large handgun. The gun was partially wrapped in a towel, resting on a towel rack, just a few feet from the Defendant. Trombley and Sedergren quickly grabbed the Defendant and secured the handgun.

The Defendant struggled with the officers. Before the officers subdued him, Jones dropped a plastic bag in the toilet. The officers recovered 32 small bags of crack cocaine from this plastic bag. The police also recovered \$490.00 from Jones' pocket. The firearm, a .45 caliber revolver with a 9 ½ inch barrel, was stolen from New Hampshire in 2003. There were six rounds of ammunition in the firearm. Although the Defendant initially provided an alias to the officers, he admitted his true name when the officers told him they had just observed his photograph in conjunction with an arrest warrant.³

SUMMARY OF ARGUMENT

Two well-established exceptions to the warrant requirement - voluntary consent and exigent circumstances - independently justified the officers' entry and protective sweep of the apartment. The firearm and crack cocaine were recovered in plain

³The Defendant had an open arrest warrant for a home invasion in which he allegedly shot two individuals.

view during this lawful protective sweep, and the U.S. currency was recovered incident to the Defendant's arrest. Accordingly, this Court should deny the Defendant's Motion to Suppress Physical Evidence.

ARGUMENT

1. **The officers lawfully seized the firearm, crack cocaine, and U.S. Currency after receiving voluntary consent to enter and conduct a limited search of the apartment.**

Cubi voluntarily consented to the officers' entry into and the ensuing limited search of his apartment. Whether consent is voluntary is to be determined by examining the totality of the circumstances, including the interaction between the police and the person alleged to have given consent. United States v. Perez-Montanez, 202 F.3d 434, 438 (1st Cir. 2000). This Court should scrutinize Cubi's recent claim, as set forth in the affidavit submitted by the Defendant, that he did not give consent to the officers to enter and secure his apartment. The analysis into the voluntariness of Cubi's consent starts with the caller's report to the police that her friend Cubi was in danger. The caller, who had just left Cubi's side, said she was certain he would cooperate with the police. When the police operator asked the caller if Cubi would let the police in the apartment if they knocked on the door, she exclaimed, "yes, oh yes!"⁴ The fact that so many details provided by the caller were eventually

⁴See Government's Exhibit #1, p.2.

corroborated by the police supports the caller's assessment that Cubi was in danger and that he wanted police assistance.

Consistent with the caller's assurances Cubi would be cooperative, the officers will testify they entered the apartment only after Cubi opened the door for the police, at 7:00 a.m., without expressing surprise, or dismay, with their arrival. It was obvious to the officers that Cubi expected them. After stating, "come on in," Cubi authorized a protective sweep of his apartment by immediately pointing to the area of the apartment where the officers encountered the Defendant. Cubi's reaction to the officer's arrival clearly amounted to consent to enter and secure the apartment even absent explicit permission. See United States v. Zapata, 18 F.3d 971, 977 (1st Cir. 1994) (evidence of an individual's consent to search the trunk of a car inferable when individual relinquished car keys to the police) citing Schneckloth v. Bustamonte, 412 U.S. 218 (1973); Robbins v. MacKenzie, 364 F.2d 45, 48 (1st Cir. 1966) (same).

Cubi's invitation to the officers to enter his apartment was not in response to police coercion. For example, the government expects the officers to testify that they did not announce to Cubi that they were going to search his apartment without his consent. See United States v. Weidul, 325 F.3d 50, 53 (1st Cir. 2003). Any insinuation that Cubi's will was overborne by the police presence would be undermined by a review of Cubi's

criminal history. The evidence will show that he has been convicted of numerous felonies and that he has more than forty entries on his criminal record. In light of his history, it is unlikely Cubi would have been intimidated by the police presence in his apartment. See, e.g. United States v. Barnett, 989 F.2d 546, 556 (1st Cir. 1993).

Cubi's reluctance to admit he gave consent to the officers is not surprising considering the evidence the government has uncovered of the Defendant's attempt to intimidate Cubi, and to punish him for cooperating with the police. For example, the government will present evidence that the Defendant had the following exchange with his brother during a recorded telephone call from jail made on March 25 (three days after his arrest):

The Defendant: Wreck Cubi. Wreck Cubi. Go straighten that shit with Cubi, yo.

His Brother: All right brother.

The Defendant: He sent police to come get me. Go straighten that shit.

His Brother: All right brother.⁵

The Defendant instructed his brother to set Cubi straight after learning, erroneously, that Cubi called the police on the morning of his arrest. A few weeks after the Defendant had the above conversation with his brother, Cubi told the police that the

⁵See Government Exhibit #2, Transcript of Telephone Call, p.4.

Defendant's friends and/or family had threatened and harassed him because they blamed him for calling the police on the Defendant.⁶

In August of 2004, Cubi told Detective Shink that he voluntarily let the police enter and search his apartment because he had nothing to hide. Although Cubi told Detective Shink that the Defendant "took over" his apartment, he also repeatedly stated "Kacey is my friend. I don't want to see him get in trouble." When Cubi learned the government was proceeding against the Defendant, he became evasive. He said he could not remember the Defendant's name. He also revised his earlier statement concerning the officers' entry by stating he had no choice but to open the door because the police were knocking really hard, and they began searching upon their entry into the apartment.

The government anticipates the evidence will reveal that Cubi received cocaine from the Defendant in exchange for allowing the Defendant to deal cocaine from his apartment.⁷ Eventually the

⁶On March 26, 2005, the Defendant, in a recorded telephone conversation, asked his girlfriend, "Did they straighten that shit with Cubi?" The girlfriend replied that the Defendant's mother reported overhearing the Defendant's brother stating that he was going to get somebody that ratted on his brother. Government's Exhibit #2, p. 5.

⁷The government does not contest the Defendant's standing to suppress the government's evidence since the tenant of the apartment, William Cubi, initially invited the Defendant to stay as a guest. See Minnesota v. Olson, 495 U.S. 91, 96-97 (1990); United States v. Aguirre, 839 F.2d 854 (1st Cir. 1988).

Defendant took control over the apartment and became physically abusive towards Cubi. It became obvious to Detective Shink during his interviews of Cubi that Cubi did not want to be labeled as an informant. Shink has learned that Cubi is often homeless and he believes Cubi would be extremely vulnerable on the street if he were to be labeled as a snitch. Cubi's recent account to the Defendant's investigator is a fabrication made more than one year after he welcomed the officers' assistance from a dangerous situation.

The officers' protective sweep of Cubi's apartment was not overly intrusive. The officers properly limited the scope of the search to where an individual could be hiding. See United States v. Lopez, 989 F.2d 24, 27 (1st Cir. 1993) (exigent circumstances justified the officers' search for weapons in an opening in the ceiling of a bathroom); United States v. Irizarry, 673 F.2d 554, 558 (1st Cir. 1982) (exigent circumstances justified search of hotel room after an armed individual exited the room); see also Maryland v. Buie, 494 U.S. 325, 327 (1990) (protective sweep, incident to arrest, should be "narrowly confined to a cursory visual inspection of those places in which a person might be hiding."). The fact that less than two minutes elapsed from the time the officers entered the apartment until the time the officers encountered and arrested the Defendant strongly indicates that the impetus for the search was safety, not

evidentiary. See Crooker v. Metallo, 5 F.3d 583, 585 (1st Cir. 1993); Lopez, 989 F.2d at 27; Irizarry, 673 F.2d at 558; Buie, 494 U.S. at 328 (a protective search must be a quick and limited search of premises). When Officer Trombley encountered an individual fitting the description of the suspect with a firearm, Trombley was justified in approaching and frisking the Defendant in the bathroom especially since Trombley observed him holding a knife. Terry v. Ohio, 392 U.S. 1, 22-24 (1968).

- 2. The caller's detailed report of a man with a firearm who was dealing drugs and posing a threat of harm to a named individual provided a reliable basis for the officers to conclude exigent circumstances existed inside the apartment.**

When considering the legality of this search, the Court should evaluate the source of the information that led the police to that apartment. The emergency caller should be deemed presumptively reliable because she was an identified, percipient witness to the imminent danger and the crimes being committed. The caller's detailed report to the police provided a sound basis for protective sweep, and a portion of the caller's information - the fact that William Cubi lived at the apartment - was immediately corroborated when William Cubi opened the door for the police and identified himself. United States v. Soule, 908 F.2d 1032, 1039 (1st Cir. 1990) (Court deemed officer's contemporaneous corroboration of the informant's factual statements to be significant factor toward probable cause

determination). Cubi's demeanor and conduct further supported the reliability and urgency of the caller's information by indicating to the experienced officers that something was amiss in the apartment. See United States v. Martins, 413 F.3d 139, 147-48 (1st Cir. 2005); see also United States v. Khounsavanh, 113 F.3d 279, 284 (1st Cir. 1997).

The Defendant's assertion that the caller appeared intoxicated is contradicted by a review of the recording. The caller, while obviously frightened, remained coherent and responsive - answering numerous questions appropriately during the call that lasted approximately six minutes. The caller was a concerned citizen who identified herself and provided first-hand information - including a detailed physical description of the suspect - that a crime was occurring at a specific location. United States v. Scalia, 993 F.2d 984, 987 (1st Cir. 1993) (Court held that an anonymous concerned citizen's detailed information to police amounted to probable cause).

The officers' entry and limited search of Cubi's apartment were reasonable and justifiable under the "exigent circumstances" exception to the warrant requirement. See Katz v. United States, 389 U.S. 347, 357 (1967) citing Warden v. Hayden, 387 U.S. 294, 298-99 (1967). This doctrine permits officers to conduct a warrantless search if they reasonably believe emergency circumstances would imminently lead to any of the following

situations: (1) the risk of harm to officers or the general public; (2) the destruction of evidence; (3) a risk of flight; or (4) "hot pursuit" of a fleeing felon. United States v. Beaudoin, 362 F.3d 60, 66-67 (1st Cir. 2004), cert. denied, 125 S.Ct 484 (2004) citing Bilida v. McCleod, 211 F.3d 166 (1st Cir. 2000) (Court held that warrantless search by police was justified by "imminent threat to the life or safety of the public, police, or a person in a residence.").

Here, the experienced responding officers reasonably believed, based on the emergency call for assistance, and Cubi's demeanor, that (1) the apartment at 49 School Street harbored an individual who posed an immediate danger to the occupants of the apartment and the officers themselves, and (2) the risk of harm compelled immediate action by the officers. Martins, 413 F.3d at 147 citing Beaudoin, 362 F.3d at 66; See United States v. Lawlor, 406 F.3d 37, 41 (1st Cir. 2005) (911 call reporting an altercation between two men involving a firearm supported a warrantless sweep of the house after the men were detained outside the apartment); Beaudoin, 362 F.3d at 66-67.

It is significant that Cubi did not ask the officers why they wanted to enter his apartment. Instead he greeted the police by saying "come on in," and he gestured, unprompted by the officers, to the front of the apartment (the area in which the Defendant was found). His conduct corroborated the caller's

information, adding to the exigency. See United States v. Romaine, 393 F.3d 63, 72 (1st Cir. 2004), cert. denied, 125 S.Ct. 2924 (2005) ("The fact that this [confirming that an armed man was inside] was done by a nod rather than by a declarative statement does not divest it of significance; the woman's gesture provided face-to-face corroboration of the essence of the 911 report, and her unwillingness to vocalize lent credence to the possibility that she faced some kind of threat that inhibited her from speaking aloud.")

The circumstances - namely the caller's detailed description of a crime in progress and the officers corroboration of certain facts upon their arrival at Cubi's apartment - also amounted to probable cause that a crime was being committed by the time the officers entered the apartment. See United States v. Pardue, 385 F.3d 101, 106 n.2 (1st Cir. 2004), cert. denied, 125 S.Ct. 1353 (2005) (Court noted that probable cause likely existed after police stopped an individual who matched the caller's description of the suspect in an assault); *Scalia*, 993 F.2d at 987-88.

3. The officers lawfully seized the firearm, knife, and cocaine in plain view.

The officers were entitled to seize the firearm, knife, and the cocaine because they observed the items in plain view. United States v. Daoust, 916 F.2d 757, 758 (1st Cir. 1990) citing Harris v. United States, 390 U.S. 234 (1968). The officers lawfully seized the U.S. Currency from the Defendant's pocket

incident to his arrest. United States v. Meade, 110 F.3d 190, 199 (1st Cir. 1997) citing United States v. Uricoechea-Casallas, 946 F.2d 162, 165 (1st Cir. 1991).

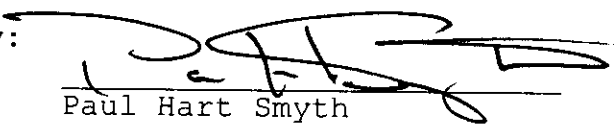
CONCLUSION

For these reasons, the government respectfully requests this Court to deny the Defendant's motion.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

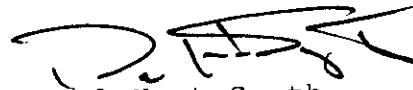

Paul Hart Smyth
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts
September 2, 2005

I, Paul Hart Smyth, Assistant U.S. Attorney, do hereby
certify that I have served a copy of the foregoing to Attorney
Mark Mastroianni, 95 State Street, Springfield, MA.

A handwritten signature in black ink, appearing to read 'P. H. Smyth', with a stylized flourish at the end.

Paul Hart Smyth
Assistant U.S. Attorney



TRANSCRIPT FOR THE FOLLOWING TELEPHONE CALL:

Date/time: March 22, 2004 at 6:41 am

Participants: 911 caller (Rodriguez) and unidentified police operator

Springfield Police: Springfield Police

911 Caller: Um, Yes, hi good morning. Umm, I'm calling for a friend, a friend of mine. He told me, you know what I'm saying, to call you. But I have a little fear here because it's kind of.. it's kind um.. something you know something crazy. Because if you find a weapon.. and um.. I don't want my name to be put out but Im just scared for him. I'm calling from 32 High Street where I'm at... But the guy.. it's um, 49 School Street 3rd floor to the right (unintel) OK. It's a, it's a black guy, right? And, um, he's been there for a while .. hanging in that apartment for a while, it's my friend's apartment. But um, you know, I guess he's trying to take over because um..he sells his drugs (unintel).. he wants to take over... (unintel) he um, he hit him, he hurt him last night. You know? And um, I called you guys because I was the only one there so he would, he would know that it was me. So, he's there right now, the black guy is right there, he's sitting right there, in the room, with a gun on his waist, but he's also (unintel) by the window looking out (unintel) because (unintel) because you know? He told me uh, if I was, if I was to go out (unintel) I said look, I don't need to call the police (unintel) but now I went back to (unintel) see my friend. The guy is still there (unintel) showed me his weapon, and I'm scared, officer, I'm really scared.

OPERATOR So what's the address?

911 Caller The address is 49 School Street, it's on the third floor to the right but you know, he's in the window but he has a few guys... the drugs, the drugs (unintel).. he has a few guys checking out for you guys, like so (unintel) gotta go through the front and back, you'll catch him. I don't want my name involved (unintel) 'cause then (unintel).

OPERATOR Who's your friend?

911 Caller My friend? His name is William Cubi.

OPERATOR Now, he's the complainant?

911 Caller Yeah, he is (unintel) he's in the apartment there, (unintel) he don't dare move to go nowhere (unintel)

OPERATOR What's William's last name?

911 Caller Excuse me? Cubi, Cubi, C-U- ah... C-U-B-I. I'm so nervous officer. Oh god.

OPERATOR OK now and you are who now?

911 Caller I am Maria Rodriguez.

OPERATOR And you're calling on behalf of William Cubi?

911 Caller I'm calling for him (unintel) but Officer, I don't want my name in there please.

OPERATOR I'm not putting it in there. OK, so let me see if this is straight.

911 Caller OK.

OPERATOR You're calling about a black male.

911 Caller Yes, black male.

OPERATOR He's sitting in his apartment at 49 High to the right, a gun in his waist band, and it's not a friend of Mr. Cubi's.

911 Caller No. He um (unintel) Cubi's but (unintel) but this kid I guess came out, came out a jail recently. So he wanted to you know, (unintel) wants to sell some drugs from there and uh, my friend (unintel), he gave him permission to (unintel) a few dollars. Not... to get him in trouble, I know that, and uh,.

OPERATOR And my question to you m'am, if the cops knock on the door is Mr. Cubi gonna let them in?

911 Caller Yes, oh yes, but like I said .. he's in the

window...

OPERATOR How old is this black male?

911 Caller Um, I really don't know, but he's about in his 21, 22. He's young, he's young.

OPERATOR What's he wearing, you know?

911 Caller (Unintel) Oh my god, he's wearing like blue jeans, he's wearing, a blue like, ... like, um your kind of jacket, like you guys clothing, dark blue like silky jackets (unintel). Got a hoodie but (unintel) a black hoodie.

OPERATOR OK, and then what? A dark hood.

911 Caller Excuse me?

OPERATOR (Unintel) and a dark hood.

911 Caller I didn't hear that.

OPERATOR A hoodie underneath?

911 Caller A hoodie underneath his jacket, yes. He's chubby, short.

OPERATOR How much does he weigh?

911 Caller (unintel) I would say like about maybe 200 ... he's heavy.

OPERATOR 200 pounds?

911 Caller Yeah.

OPERATOR OK.

911 Caller Thank you officer like I say, you gotta be really careful because they checking out for you guys, you know?

OPERATOR Yup.

911 Caller OK, thank you officer, bye bye.



KACEY JONES

Telephone calls from jail

CALL 1 (March 25, 2004)

JANE DOE: Hello.

OPERATOR: Hello, this is a collect call from KC who is an inmate incarcerated at the Hampden County Correctional Facility, Hampden County Massachusetts. To accept charges press 0, to refuse charges. This call is subject to monitoring and recording. Thank you for using Evercom.

KACEY JONES: Hello.

JANE DOE: Hi baby.

KACEY JONES: Fucking niggers jumped me today.

JANE DOE: Today?

KACEY JONES: Yeah.

JANE DOE: Again?

KACEY JONES: Unintelligible.

JANE DOE: I love you.

KACEY JONES: I love you too.

JANE DOE: I miss you.

KACEY JONES: What are we going to do about this babe?

JANE DOE: What?

KACEY JONES: How long you gonna stick around for?

JANE DOE: Huh?

KACEY JONES: How long you gonna do this for?

JANE DOE: Baby, I'm here.

KACEY JONES: This could be a long time. You see the charges?

JANE DOE: Yeah, you was here.

KACEY JONES: I know, but then what about the other shit I got caught with?

JANE DOE: What did you get caught with?

KACEY JONES: I got caught with the gun and the coke.

JANE DOE: On you?

KACEY JONES: In the fucking house, unintelligible.

JANE DOE: Unintelligible why the fuck are they saying in the newspaper that them people called the police on you.

KACEY JONES: Who?

JANE DOE: Whoever house you was in, saying they had an unwanted guest.

KACEY JONES: Yeah?

JANE DOE: Yeah. So fuck them people and their fucking house. Did it have your fingerprints on it?

KACEY JONES: Sh..I don't know. I don't even know...
[unintelligible]

JANE DOE: Well, shit, fuck 'em. That shit was in their fucking house. Baby, for whatever, I'm here with you. I told you, I told you I would be there with you. I'm not going nowhere.

.....
[Inaudible]

KACEY JONES: Yeah.

JOHN DOE: Aah.

KACEY JONES: Hey, yo, and that nigger Cubi set me up.

JOHN DOE: Cubi set you up?

KACEY JONES: Yeah, he brought the police straight to the fucking house.

JOHN DOE: You got paperwork saying that shit?

KACEY JONES: It was in the paper.

JOHN DOE: Yeah they said they responded to a 911 call.

KACEY JONES: Baby, what did we read in the ...

JANE DOE: [Unintelligible]... it was an unwanted guest.

JOHN DOE: Right they responded to a 911 call.

KACEY JONES: Unwanted guest [unintelligible] Unwanted guest. They let everybody go. There was crack on the kitchen table with pipes and all they came for is me. They let everybody go, yo.

JOHN DOE: What did they say about.. they charge you with that gun?

KACEY JONES: Yeah man.

JOHN DOE: That's Cubi's shit man.

JANE DOE: Mmm hhh

JOHN DOE: That's his shit man, period. Did they find it in your pocket on you or they found it in the bathroom?

KACEY JONES: They found it in the bathroom wrapped in a towel.

JOHN DOE: Huh?

KACEY JONES: They found it in the bathroom wrapped in a towel.

JOHN DOE: And where was you at? Inside the bathroom?

KACEY JONES: Yeah.

JANE DOE: So what. I mean unintelligible.

JOHN DOE: Word up. Yo.

KACEY JONES: Yeah.

JOHN DOE: So, what are they trying to say about your probation and shit?

KACEY JONES: I didn't hear about that yet, but do you know if that nigger Josetta (sp?) is walking around?

JOHN DOE: Who?

KACEY JONES: Josetta.

JOHN DOE: Did I see him walking around?

KACEY JONES: Do you know if he's alive, out of the hospital or what?

JANE DOE: He's out of the hospital, I heard.

JOHN DOE: I ain't I never knew, I never knew how the kid looked [unintelligible]. I only know..

JANE DOE: When Megan(sp?) go to work tomorrow I'll have her check and make sure he's out.

JOHN DOE: Yo. Listen. Your brother right here.

KACEY JONES: Alright. Let me talk to him.

JOHN DOE: Yeah, hold on.

JOHN DOE: Hold on boss.

KACEY JONES: Yeah.

JOHN DOE #2: Yo.

JANE DOE: Get your ass home.

KACEY JONES: Yo

JOHN DOE #: Yo

KACEY JONES: Hey, wreck Cubi, wreck Cubi...yo, go straighten that shit with Cubi, yo.

JOHN DOE: Alright brother.

KACEY JONES: Yo. He sent police to come get me. Go straighten that shit.

JOHN DOE #: Alright.

KACEY JONES: Alright baby. You alright?

CALL 2 (March 26, 2004)

JANE DOE: Bring the chair back in for your sister, OK?
Bring the chair back in for your sister.

KACEY JONES: Hey did they straighten that shit with Cubi?

JANE DOE: I don't know. Your mother seen your brother...
walking in the house yesterday talking about he's
going to get somebody that ratted on his
brother...

KACEY JONES: That's what he said? Will you ask him about that
[unintelligible].

JANE DOE: OK. Just call me tomorrow right?

KACEY JONES: Unintelligible.

JANE DOE: Bye.